

## (1) Trainee Handouts

# TRAINING FOR VSO LESSON ONE THE RELATIONSHIP BETWEEN THE VA AND VETERAN SERVICE OFFICERS

**PREREQUISITE  
TRAINING**

Prior to this training you should have completed any accreditation course required by the Service Organization you work for or the appropriate beginner training course offered by the State Service Organization.

**PURPOSE OF  
LESSON**

The purpose of this lesson is to present material so that at the completion of the lesson you will be able to:

- Understand how “Congressionally Chartered Veteran Service Organizations” came to be and what it means.
- Understand what “accreditation” means and what it involves.
- Be introduced to the privileges and responsibilities of an accredited service officer.
- Learn what access to VA computer records the accredited service officer has and the VA’s rules of privacy that accompany that access.

**TIME REQUIRED**

1 hour

**INSTRUCTIONAL  
METHOD**

Lecture and student participation.

**REFERENCES**

- 38 USC chapters 57 and 59
- 38 CFR 1.503 and 14.619 through 14.643
- M21 MR, Part I, Chapter 3

## (1) Trainee Handouts

### **Recognized Veterans Service Organizations**

- I. History: After the Civil War, the government of the United States was faced with huge population of disabled veterans for the first time in its' history. The system in place to assist and compensate them was a part of the War Department and was not ready for such an unprecedented undertaking. The service records of these veterans were scattered among the various State militias that the men fought for, and the veterans were required to obtain the records themselves and submit them with their claim. The veterans themselves were unsophisticated and in many cases illiterate. Attorneys of the day seized the opportunity and offered to submit claims in behalf of veterans for a fee, and the fee they charged was in many cases, unrealistically high. It became apparent to Congress that veterans were not getting the benefits intended for their use and compensation.

Congress passed laws that required the War Department to assist veterans in obtaining their service records (the birth of VA's duty to assist), and limited attorney's fees to \$10 per case. To offset the loss of attorneys, Congress said they would charter Veterans Organizations that would provide assistance to veterans at no cost. A Veterans Service Organization would provide credentials to Congress and in exchange Congress would recognize the organization and provide certain tax exemptions for the organization. Members of the chartered organizations could become accredited by the organization to represent veterans in their claims.

II. The Current System: This concept has evolved to our current system;

- a. Congress no longer "charters" organizations, but delegated that responsibility to the Secretary Of Veterans Affairs who now "recognizes" certain organizations as representing veterans before the VA.
- b. Service Officer functions of recognized organizations are provided free office space and support in VA facilities in exchange for the work of representing and assisting veterans in their claims at no cost.
- c. The recognized organizations are responsible for accrediting certain members to act as the representatives for veterans and their dependents in the presentations of claims. The organization is also responsible for providing annual training to their Veterans Service Officers and monitoring their behavior. If the Service Officer violates VA law, the organization is responsible for terminating his/her accreditation.
- d. State Veterans Organizations that are a part of the government for their state are also recognized. These State organizations may also establish County Veteran Service Officers who are employees of their county. The State organization is responsible for providing annual training to County Service Officers and certifying their continued competence to represent veterans.

The Office of the VA's General Counsel maintains the listing of recognized Veterans Service Organizations and the members who are accredited, and enforces the VA regulations for accreditation.

## (1) Trainee Handouts

III. Power of Attorney: In order for a service organization to represent a veteran, the veteran must complete a power of attorney to that organization. This is done on VA Form 21-22 *Appointment of Veterans Service Organization as Claimant's Representative*. The veteran (or other claimant) completes and signs the form. The completion and submission of the form automatically revokes all other prior appointments. The veteran can revoke the power of attorney at any time (unless an appeal has been filed and is before the Board of Veterans Appeals), and the appointed organization can revoke the power of attorney for good cause. The power of attorney ends upon the veterans death. When a veteran appoints an organization to represent him/her, he appoints the entire organization, and any service officer accredited by that organization can represent the veteran. Each organization has rules about who they will or will not represent. For example, several organizations will not represent the spouse of a veteran who is claiming an apportioned share of the veterans benefits. Check with your organization about any restrictions they may have.

### **Privileges and Responsibilities of Accredited Veterans Service Officers**

- I. Privileges: An accredited Veterans Service Officer(VSO) can do almost anything the veteran can do with a claim or appeal. A VSO can file a claim, add to a claim or withdraw a claim. There are only two claims a VSO cannot make in behalf of a veteran; A VSO cannot file an original claim or sign an annual income verification report for VA pension benefits. (A VSO can file an informal original claim in behalf of a veteran, but the veteran must sign and submit a formal claim within one year to preserve the date of claim.) Your organization might have some rules of their own about what a VSO can or cannot do, especially in regards to withdrawing a claim or appeal or canceling a hearing, but the law permits these actions. And of course, always remember that the claim is the veterans' claim, not yours; you must always act in his/her best interest.

An accredited VSO has access to the veterans records and can view the contents of the claims folder or the automated record. If the release of this information would be injurious to the health of the veteran, release may be restricted, but this happens only in rare occasions. As you complete this course, you will learn about the VA's computers systems and what information is available to you.

- II. Responsibilities: As a VSO, you represent the claimant and are acting in his/her behalf. You cannot submit information that is false or fraudulent, nor can you knowingly submit false or fraudulent material you receive from the claimant. If you suspect that information given to you by the claimant is fraudulent, you have a responsibility to advise them that such a submission is against the law and could result in criminal prosecution. If they continue to insist, you should advise your organization as this would be a valid reason to withdraw representation. You also have responsibility to the VA to report a fraudulent act if you know about it.

In most other situations, your responsibility is to the claimant, and you are expected to act in their best interest. If you believe the interests of the claimant clash with those of the VA, you should act in behalf of the claimant so long as you don't do anything illegal or unethical. Your responsibilities to the claimant are to preserve their privacy and to act in their best interests. Do not release information

## (1) Trainee Handouts

about them to anyone who shouldn't have it. When you present a claimants contentions to the VA, you should not belittle nor dismiss their claim as "frivolous" or unfounded. If the veteran takes his/her claim seriously, so should you. If they don't, you should advise them not to submit it. You can play a role in shaping the claimant's expectations. If a claim has little or no chance of success, you can tell them so, but you should not refuse to submit a claim just because you believe it has little chance of success.

### **Privacy and Access to VA Computer Records**

- I. Privacy: Records that the VA keeps for claimants are covered under Federal Privacy Act regulations. This means that the records are protected against unauthorized release. Any portion of the record that identifies an individual should not be released to anyone not authorized by that individual to receive them. Simply put, unless you have written authorization to release information about a veteran, don't do it. Here are some basic rules about protecting the privacy of individuals:
  - a. Do not discuss a veterans claims information with anyone but the claimant without his/her permission. You will encounter family members who are trying to act in the veterans' behalf who are honorable people with good intentions. Despite these honest attempts to help the veteran, you should not discuss his claims without his permission. If he/she wants you to discuss the claim with his/her spouse or child, permission is easy enough to obtain.
  - b. Do not discuss the claim with someone on the telephone unless you know who you're talking to. Here in the VA, we make the caller identify him/herself by asking simple questions the veteran should know the answer to. You should do the same.
  - c. If you keep paper copies of documents you submit to the VA, you should keep them in locked cabinets or at least in an area that is not accessible to the public. Periodically dispose of old, inactive records by having them shredded or otherwise destroyed. Do not simply toss them in the garbage. Remember that once a document you submitted to the VA becomes a part of the VA's record, your copy becomes part of the protected VA record too, and it must be protected.
  - d. If you have your own computer tracking system that identifies veterans records by a unique identifier (name, Social Security number, VA Claim number, etc.) the computer system should be protected by the usual and accepted security measures, such as log on and secure password. Access to these computer records should be limited to those with a legitimate need to know. Computer records should periodically purged, and computer should be cleaned out when they are removed from service or moved to another location.
- II. Access to VA Computer Programs: Later in this training program, you will be instructed on how to access information in the VA's data base intended to help you assist your clients. The information you gain access to is protected by Privacy Laws

## (1) Trainee Handouts

in the same way paper documents are protected. Unless you have adequate privacy protections, we strongly recommend that you should not print out these screens for permanent filing. Instead we recommend that you print out only those screens that you need immediately and shred or destroy the prints as soon as you are done with them. You will be given a “log on” and a password to get you through the VA’s firewalls. You should not give those to anyone else, nor should you permit someone else to log on under your name. Do not log yourself on and then have someone else sit at your computer and pull up records for you. Non-compliance will result in your computer access privileges being withdrawn. If you step away from your computer for any length of time, be sure to log off your VA access before you do.

The programs you will have access to are the same ones we use here in the VA every day. You will see the same screens we do. Your access is read only. The programs you will be given access to are intended to provide you information about the current state of the benefits the claimant is receiving and to track the progress of any pending claim. To get access to these computer programs there must be a valid power of attorney from the claimant to the organization you are accredited to. For example, if you are accredited to AMVETS and the veterans power of attorney in the computer record is to VFW, you will not be able to get access to his record. This is often a source of frustration to you if you are holding a freshly completed Form 21-22 appointing you organization as power of attorney, but his existing record is to another organization. We are aware of this problem and have plans to fix it.